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Remarks

Claims 1-68 were pending in the Application and subject to a Restriction Requirement. The Examiner has Required that Applicant Elect one of the following Inventions:

Group I. Claims 1-34 and 56-68 drawn to a product Classified in Class 257, Subclass 442.

Group II. Claims 35-55 drawn to a process of growing a film Classified in Class 438, Subclass 478.

Applicant Elects Group I drawn to a product Classified in Class 257, Subclass 442.

The Examiner has further Required that Applicant Elect one of the following Species of the Invention:

1. The Species of the Claimed Invention in Claims 1-34 regarding a multilayer structure comprising a silicon based substrate and an epitaxial $\text{Cd}_{1-x}\text{Zn}_x\text{X}_x\text{X}'_{1-x}$ thereon as in Claim 1.

2. The Species of the Claimed Invention in Claims 56-68 regarding a radiation detector comprising a silicon based substrate, a film of $\text{Cd}_{1-x}\text{Zn}_x\text{X}_x\text{X}'_{1-x}$, a radiation sensing layer grown thereon as in Claim 56.

Applicant Elects Species 1 drawn to regarding a multilayer structure comprising a silicon based substrate and an epitaxial $\text{Cd}_{1-x}\text{Zn}_x\text{X}_x\text{X}'_{1-x}$ thereon as in Claim 1. Claims 1-34 are readable thereon.

If Applicant further understands the Examiner to Require that Applicant Elect a single disclosed species for prosecution to require an even further Election that the Election of Claims 1-34, then and only then, Applicant Elects the single disclosed species $\text{Cd}_{1-x}\text{Zn}_x\text{Se}_x\text{Te}_{1-x}$ and Claims 1-27 are readable thereon.

TRAVERSE

Applicant Respectfully Traverses the Examiner's Requirement to Elect between the Species of the Claimed Invention in Claims 1-34 and the Species of the Claimed Invention in Claims 56-68. The structure of Claim 1 is Patentable over the prior art by virtue of the epitaxial film grown on the silicon based substrate, if this epitaxial film on a substrate is Patentable then its use in a radiation detector is *ipso facto* Patentable and Applicant should not have to amend Claims 56-68 to Claim the structure of Claim 1 in those words i.e., "as comprising the multilayered structure of Claim 1, and" when the structure of Claim 1 is recited and specifically Claimed in Claim 56.

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Applicant Respectfully Traverses the Requirement to Elect a single disclosed species since the Claimed product is a quaternary film, essentially the variable is the difference between searching for S and Se or searching for Se and Te. A search for such a film containing Se should disclose both the S and Se species and the Se and Te species; therefore such a search should not be a serious burden. Under Patent Office Examining Procedures, "[i]f the Search and Examination of an entire Application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions" (MPEP 803, Rcv. 8, May 1988) (emphasis added). Here the search of Claims 28-34 should not be a serious burden when Claims 1-27 are already being searched and Claims 56-68 should not be a serious burden since the radiation detector incorporating the multilayer structure of claim 1 will be Allowable if the multilayer structure is Allowable.

Applicant Respectfully request that the Restriction Requirement between Claims 1-34 and 56-68 be withdrawn as well as the Requirement to Elect a single disclosed species.

Should the Examiner have any questions and in particular should the Examiner disagree with the Applicant's identification of all Claims readable on the single disclosed species $Cd_{1-x}Zn_xSe_xTe_{1-x}$, please call the undersigned at the telephone number indicated.

Respectfully submitted,



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DATE